

**GOVERNMENT OF PUERTO RICO  
PUERTO RICO PUBLIC SERVICE REGULATORY BOARD  
ENERGY BUREAU**

**NEPR**

**Received:**

**Sep 4, 2025**

**1:03 PM**

**IN RE:** PUERTO RICO ELECTRIC POWER  
AUTHORITY RATE REVIEW

**CASE NO.:** NEPR-AP-2023-0003

**MOTION FOR NOTICE, TIME TO RESPOND TO MOTION TO COMPEL AND TO SET ASIDE  
PART OF THE HEARING EXAMINER'S SEPTEMBER 3 ORDER AND RELATED DIRECTIVES**

**TO THE HONORABLE ENERGY BUREAU,**

**COMES NOW**, the Puerto Rico Electric Power Authority ("PREPA"), through its undersigned legal counsel and, very respectfully, states and prays as follows:

1. On August 6, 2025, Genera PR LLC submitted a Request for Information ("ROI") to PREPA, identified as GENERA-of-PREPA-FIN-1, whereby Genera sought information about an "Energy Sector Reserve" totaling \$683,178,256.00, mentioned in a news article reported by El Nuevo Día.

2. On August 20, 2025, PREPA submitted its response to Genera's ROI. Particularly, PREPA responded the following:

After a comprehensive review of PREPA's financial records, accounts, books, and reporting systems, I confirm that PREPA has not identified an "Energy Sector Reserve" in the amount of \$683,178,256. No account or fund designated as an "Energy Sector Reserve" in the amount of \$683,178,256 exists in PREPA's books or under its direct custody or control. Further, PREPA has not been provided documentation by any government agency indicating that it has access to, or authority over, said funds.

Accordingly, PREPA is not in a position to address the specific questions raised regarding the purpose, permitted uses, fiduciary administration, disbursement process, or regulatory coordination of such reserve.

*Attestation*

I, Juan C. Adrover Ramírez, state that the information contained in this response is complete, true, and accurate to the best of my knowledge and belief.

/s/Juan C. Adrover Ramírez

3. Despite PREPA having submitted its response through the Accion platform, the status of the ROI continued to appear as “overdue”. See image below:

ROI ID	DAYS TO RESPOND	STATUS
1) VG-of-PREPA-NONPHYS-OPS-3		Responded
2) SREAE-of-PREPA-PROV-12		Responded
3) PC-of-PREPA-PROV-48		Responded
4) GENERA-of-PREPA-FIN-1	Overdue	Overdue

4. On August 29, 2025, the undersigned attorney contacted Katie Bailey, from Accion, to inform the foregoing and request that the ROI be updated to “responded”.

5. On September 2, 2025, Ms. Bailey responded the following:

As you may be aware, Genera made a Motion to Compel a response to ROI Genera-of-PREPA-FIN-1. Your opportunity to provide a response has been extended until 5pm tomorrow, September 3, 2025, before the Hearing Examiner rules on the Motion. To provide a response, go to Manage My ROIs on the tool bar. Choose Motions at the top of the page...

6. On that same date, the undersigned counsel responded to Ms. Bailey informing that PREPA was not aware of the *Motion to Compel*, as it had neither received notification of the motion from the Accion platform, nor from Genera. As such, the undersigned requested that the incident be informed to the Hearing

Examiner and PREPA be allowed the full period to respond to the *Motion to Compel*.

7. After speaking with Ms. Bailey, the Accion platform updated the status of the ROI from “overdue” to “motion” as follows:

ROIs Sent to PREPA for Response		
ROI ID	DAYS TO RESPOND	STATUS
1) VG-of-PREPA-NONPHYS_OPS-3		Responded
2) SREAEE-of-PREPA-PROV-12		Responded
3) PC-of-PREPA-PROV-48		Responded
4) GENERA-of-PREPA-FIN-1	Overdue	Motion

8. In response to the undersigned’s September 2 e-mail, on September 3, 2025, Ms. Bailey replied the following:

The Hearing Examiner will provide an opportunity for you to respond to this motion at the conference on Thursday. Although not required, if you would like to file a written response please do so by noon on Thursday. If you believe further written response is necessary after the discussion at the conference, you will be permitted to file on the platform until noon on Friday.

9. On that same date that is, September 3, 2025, the Hearing Examiner issued the *Hearing Examiner’s Order on Agenda for September 4 Conference, Covering Revenue Requirement Questions, Hearing Procedures, and Related Matters* (“September 3 Order”) whereby it included the “Genera-PREPA discovery dispute (GENERA-of-PREPA-FIN-1)” as item IV of the agenda for the September 4, 2205 Technical Conference, and determined as follows:

I will hear views from the two parties, ask my own questions, then attempt to resolve this dispute. If I need more submissions, I will request them after the discussion.

10. Later that day, the Hearing Examiner sent an e-mail stating:

For parties' convenience, the attached has the full back-and-forth of the discovery dispute that is Item V on the agenda. For PREPA: The Respondent, PREPA's Controller, described what he did. Genera's questions seem to aim at whether what he did was enough, or whether there were other places he should have looked or other people he should have asked. It would be useful to have present anyone else besides the Controller who would have known any of the answers to Genera's questions. Consider having the CEO or CFO available. They don't have to be present for what could be a long meeting; we can take a break when it is time to call on them.

11. Section 3.2 of Act No. 38-2017, as amended, known as "Government of Puerto Rico Uniform Administrative Procedure Act", 3 L.P.R.A. § 9642 ("PRUAPA"), specifically recognizes that all parties to an administrative proceeding are entitled to timely notice of all motions filed against them. ("Agencies may use electronic communication methods, in lieu of, or in addition to, regular mail, at any stage of the adjudicative proceeding, **always safeguarding the parties' right to timely notice** of charges or complaints, claims or allegations.")

12. The Energy Bureau's *Regulation in Adjudicative, Notice of Noncompliance, Rate Review and Investigation Proceedings* ("Regulation"), Chapter II, Article II, Section 2.02, provides that "[e]very pleading, motion or document presented before the Energy Commission must comply with the following requirement: ...every document shall contain a certification from the appearing party or the appearing party's lawyer, in the case of being represented, indicating that they have served a copy to every other party to the case of said document,

and the vehicle used to effect said notice". The foregoing provision adds that "**Notice shall be sent via email to the address on record.**"

13. PREPA hereby informs that it was never notified of Genera's *Motion to Compel* either through the automatic notification that should have been generated by the Accion platform or by direct service from Genera, electronic or otherwise.

14. As a result of the foregoing, PREPA has not been able to responsibly evaluate the issue with its counsel to determine the proper course of action. Compelling PREPA to testify under these circumstances would cause prejudice: PREPA's witness(es) would be forced to provide uncoordinated or incomplete testimony in a public proceeding without the benefit of full legal and factual preparation. Such testimony could be mischaracterized or misused to PREPA's detriment, undermining PREPA's statutory right to due process.

15. As the record shows, PREPA has been cooperative with the private operators throughout the discovery disputes that have risen in the above-captioned proceeding. This time will be no different. PREPA requests that it be afforded the opportunity to formally respond to the *Motion to Compel* and confer with Genera in good faith to resolve this matter, without the Hearing Examiner's intervention.

16. Pursuant to the PRUAPA and the Regulation, PREPA is legally entitled to receive notice of the *Motion to Compel*, as well as being afforded sufficient time to respond and resolve the issue in good faith. Proceeding on Genera's *Motion to Compel* without proper service and adequate time to respond would directly contravene these mandates. To that end, PREPA requests the Hearing Examiner grant it five (5) business days to meet and confer with Genera on the *Motion to Compel* and state its response in writing.

17. PREPA emphasizes that granting the foregoing is not only proper as a matter of law, but will not cause any undue delay of the proceedings.

**WHEREFORE**, PREPA respectfully requests that the Hearing Examiner: (a) take notice of the foregoing, (b) set aside its portion of the September 3 Order and related communications requiring PREPA to testify at the September 4 hearing about the ROI and *Motion to Compel*, and (c) grant it five (5) business days to meet and confer with Genera on the *Motion to Compel* and state its response in writing.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico this 4<sup>th</sup> day of September 2025.

**CERTIFICATE OF SERVICE:** We hereby certify that this document was filed with the Office of the Clerk of the Energy Bureau using its Electronic Filing System at <https://radicacion.energia.pr.gov/login>, and notified via e-mail to the Hearing Examiner, Scott Hempling, [shempling@scotthemplinglaw.com](mailto:shempling@scotthemplinglaw.com); and to the attorneys of the parties of record, attorneys of the intervenors of record, and other: Puerto Rico Electric Power Authority, through: Mirelis Valle-Cancel, [mvalle@gmlex.net](mailto:mvalle@gmlex.net); Juan González, [jgonzalez@gmlex.net](mailto:jgonzalez@gmlex.net); Alexis G. Rivera Medina, [arivera@gmlex.net](mailto:arivera@gmlex.net); Juan Martínez, [jmartinez@gmlex.net](mailto:jmartinez@gmlex.net); and Natalia Zayas Godoy, [nzayas@gmlex.net](mailto:nzayas@gmlex.net); and to Genera PR, LLC, through: Jorge Fernández-Reboredo, [jfr@sbgblaw.com](mailto:jfr@sbgblaw.com); Gabriela Castrodad, [gcastrodad@sbgblaw.com](mailto:gcastrodad@sbgblaw.com); José J. Díaz Alonso, [jdiaz@sbgblaw.com](mailto:jdiaz@sbgblaw.com); Stephen Romero Valle, [sromero@sbgblaw.com](mailto:sromero@sbgblaw.com); Giuliano Vilanova-Feliberti, [gvilanova@vvlawpr.com](mailto:gvilanova@vvlawpr.com); Maraliz Vázquez-Marrero, [m vazquez@vvlawpr.com](mailto:m vazquez@vvlawpr.com); [ratecase@genera-pr.com](mailto:ratecase@genera-pr.com); [regulatory@genera-pr.com](mailto:regulatory@genera-pr.com); and [legal@genera-pr.com](mailto:legal@genera-pr.com); Co-counsel for Oficina Independiente de Protección al Consumidor, [hrivera@jrsp.pr.gov](mailto:hrivera@jrsp.pr.gov); [contratistas@jrsp.pr.gov](mailto:contratistas@jrsp.pr.gov); [pvazquez.oipc@avlawpr.com](mailto:pvazquez.oipc@avlawpr.com); Co-counsel for Instituto de Competitividad y Sustentabilidad Económica, [jpouroman@outlook.com](mailto:jpouroman@outlook.com); [agraitfe@agraitlawpr.com](mailto:agraitfe@agraitlawpr.com); Co-counsel for National Public Finance Guarantee Corporation, [epo@amgprlaw.com](mailto:epo@amgprlaw.com); [loliver@amgprlaw.com](mailto:loliver@amgprlaw.com); [acasellas@amgprlaw.com](mailto:acasellas@amgprlaw.com); [matt.barr@weil.com](mailto:matt.barr@weil.com); [robert.berezin@weil.com](mailto:robert.berezin@weil.com); [Gabriel.morgan@weil.com](mailto:Gabriel.morgan@weil.com); [Corey.Brady@weil.com](mailto:Corey.Brady@weil.com); Co-counsel for GoldenTree Asset Management LP, [ramos@ramoscruzlegal.com](mailto:ramos@ramoscruzlegal.com); [tlauria@whitecase.com](mailto:tlauria@whitecase.com); [gkurtz@whitecase.com](mailto:gkurtz@whitecase.com); [ccolumbres@whitecase.com](mailto:ccolumbres@whitecase.com); [iglassman@whitecase.com](mailto:iglassman@whitecase.com); [tmacwright@whitecase.com](mailto:tmacwright@whitecase.com); [jcunningham@whitecase.com](mailto:jcunningham@whitecase.com); [mshpherd@whitecase.com](mailto:mshpherd@whitecase.com); [jgreen@whitecase.com](mailto:jgreen@whitecase.com); Co-counsel for Assured Guaranty, Inc., [hburgos@cabprlaw.com](mailto:hburgos@cabprlaw.com); [dperez@cabprlaw.com](mailto:dperez@cabprlaw.com); [mmcgill@gibsondunn.com](mailto:mmcgill@gibsondunn.com); [lshefner@gibsondunn.com](mailto:lshefner@gibsondunn.com); [howard.hawkins@cwt.com](mailto:howard.hawkins@cwt.com); [mark.ellenberg@cwt.com](mailto:mark.ellenberg@cwt.com); [casey.servais@cwt.com](mailto:casey.servais@cwt.com); [bill.natbony@cwt.com](mailto:bill.natbony@cwt.com); [thomas.curtin@cwt.com](mailto:thomas.curtin@cwt.com); Co-counsel for Syncora Guarantee, Inc., [escalera@reichardescalera.com](mailto:escalera@reichardescalera.com); [arizmendis@reichardescalera.com](mailto:arizmendis@reichardescalera.com);

[riverac@reichardescalera.com](mailto:riverac@reichardescalera.com); [susheelkirpalani@quinnemanuel.com](mailto:susheelkirpalani@quinnemanuel.com);  
[erickay@quinnemanuel.com](mailto:erickay@quinnemanuel.com); Co-Counsel for the PREPA Ad Hoc Group,  
[dmonserrate@msglawpr.com](mailto:dmonserrate@msglawpr.com); [fgierbolini@msglawpr.com](mailto:fgierbolini@msglawpr.com); [rschell@msglawpr.com](mailto:rschell@msglawpr.com);  
[eric.brunstad@dechert.com](mailto:eric.brunstad@dechert.com); [Stephen.zide@dechert.com](mailto:Stephen.zide@dechert.com);  
[david.herman@dechert.com](mailto:david.herman@dechert.com); [michael.doluisio@dechert.com](mailto:michael.doluisio@dechert.com);  
[stuart.steinberg@dechert.com](mailto:stuart.steinberg@dechert.com); Sistema de Retiro de los Empleados de la Autoridad  
de Energía Eléctrica, [nancy@emmanuelli.law](mailto:nancy@emmanuelli.law); [rafael.ortiz.mendoza@gmail.com](mailto:rafael.ortiz.mendoza@gmail.com);  
[rolando@emmanuelli.law](mailto:rolando@emmanuelli.law); [monica@emmanuelli.law](mailto:monica@emmanuelli.law); [cristian@emmanuelli.law](mailto:cristian@emmanuelli.law);  
[lgnq2021@gmail.com](mailto:lgnq2021@gmail.com); Official Committee of Unsecured Creditors of PREPA,  
[jcasillas@cstlawpr.com](mailto:jcasillas@cstlawpr.com); [jnieves@cstlawpr.com](mailto:jnieves@cstlawpr.com); Solar and Energy Storage Association  
of Puerto Rico, [Cfl@mcvpr.com](mailto:Cfl@mcvpr.com); [apc@mcvpr.com](mailto:apc@mcvpr.com); [javrua@sesapr.org](mailto:javrva@sesapr.org);  
[mrios@arroyorioslaw.com](mailto:mrios@arroyorioslaw.com); [ccordero@arroyorioslaw.com](mailto:ccordero@arroyorioslaw.com); Wal-Mart Puerto Rico, Inc.,  
[Cfl@mcvpr.com](mailto:Cfl@mcvpr.com); [apc@mcvpr.com](mailto:apc@mcvpr.com); Mr. Victor González,  
[victorluisgonzalez@yahoo.com](mailto:victorluisgonzalez@yahoo.com); and the Energy Bureau's Consultants,  
[Josh.Llamas@fticonsulting.com](mailto:Josh.Llamas@fticonsulting.com); [Anu.Sen@fticonsulting.com](mailto:Anu.Sen@fticonsulting.com);  
[Ellen.Smith@fticonsulting.com](mailto:Ellen.Smith@fticonsulting.com); [Intisarul.Islam@weil.com](mailto:Intisarul.Islam@weil.com); [jorge@maxetaenergy.com](mailto:jorge@maxetaenergy.com);  
[rafael@maxetaenergy.com](mailto:rafael@maxetaenergy.com); [RSmithLA@aol.com](mailto:RSmithLA@aol.com); [msdady@gmail.com](mailto:msdady@gmail.com);  
[mcranston29@gmail.com](mailto:mcranston29@gmail.com); [dawn.bisdorf@gmail.com](mailto:dawn.bisdorf@gmail.com); [ahopkins@synapse-energy.com](mailto:ahopkins@synapse-energy.com);  
[energy.com](mailto:energy.com); [clane@synapse-energy.com](mailto:clane@synapse-energy.com); [guy@maxetaenergy.com](mailto:guy@maxetaenergy.com);  
[Julia@londoneconomics.com](mailto:Julia@londoneconomics.com); [Brian@londoneconomics.com](mailto:Brian@londoneconomics.com);  
[luke@londoneconomics.com](mailto:luke@londoneconomics.com); [kbailey@acciongroup.com](mailto:kbailey@acciongroup.com);  
[hjudd@acciongroup.com](mailto:hjudd@acciongroup.com); [zachary.ming@ethree.com](mailto:zachary.ming@ethree.com);  
[PREBconsultants@acciongroup.com](mailto:PREBconsultants@acciongroup.com); [carl.pechman@keylogic.com](mailto:carl.pechman@keylogic.com);  
[bernard.neenan@keylogic.com](mailto:bernard.neenan@keylogic.com); [tara.hamilton@ethree.com](mailto:tara.hamilton@ethree.com);  
[aryeh.goldparker@ethree.com](mailto:aryeh.goldparker@ethree.com);  
[roger@maxetaenergy.com](mailto:roger@maxetaenergy.com); [Shadi@acciongroup.com](mailto:Shadi@acciongroup.com).

**GONZÁLEZ & MARTÍNEZ**

1509 López Landrón, Bldg.  
Seventh Floor  
San Juan, PR 00911-1933  
Tel.: (787) 274-7404

**s/ Mirelis Valle Cancel**

RUA No.: 21115  
Email: [mvalle@gmlex.net](mailto:mvalle@gmlex.net)